

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 11 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL E. LAST

Appeal No. 2006-2885
Application No. 09/802,367

ORDER REMANDING APPLICATION TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (BPAI) on July 17, 2006. Pursuant to MPEP § 1211, the above-identified application is remanded to the examiner for appropriate action with respect to the matters set forth below.

On July 21, 2006, Appellant filed a PETITION under 37 CFR § 1.181(a) designated in the electronic file as a “Petition for review by the technology center SPRE” and a REPLY BRIEF under 37 C.F.R. § 41.41 in response to the Examiner’s answer filed May 23, 2006, along with a Request for Oral Hearing. A docketing notice assigning an appeal no. to the application, was prematurely mailed by the BPAI on August 8, 2006. However the petition and the reply brief need to be considered and responded to by the examiner.

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Accordingly, it is

ORDERED that the application is remanded to the examiner for

(1) consideration of the reply brief and the petition filed by appellant on

July 21, 2006, and

(2) for such further action as may be deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE M. SHAW
Deputy Chief Appeals Administrator
~~(703) 308-9797~~
(571) 272-9797

cc: ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

DMS/vsh